

Application No. 09/733,640

**IN THE CLAIMS**

~~1.~~ (Currently Amended) A composition for controlled release of a bioactive agent, comprising:

a biodegradable crystallizable polymer;

a biodegradable amorphous polymer;

a biocompatible solvent; and

a bioactive agent;

~~wherein the composition is multi-layered.~~

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~~2.~~ (Original) The composition of claim 1, wherein the solvent has a miscibility with water less than 7 percent by weight.

~~3.~~ (Original) The composition of claim 1, further comprising at least one biocompatible component solvent.

~~4.~~ (Original) The composition of claim 1, further comprising an emulsifying agent.

~~5.~~ (Original) The composition of claim 1, wherein the composition is sterile.

~~6.~~ (Original) The composition of claim 1, wherein the biodegradable crystallizable polymer is a polyester.

~~7.~~ (Original) The composition of claim 1, wherein the biodegradable crystallizable polymer is poly( $\epsilon$ -caprolactone).

~~8.~~ (Original) The composition of claim 1, wherein the biocompatible solvent is ethyl benzoate.

Claim 9-16 (Cancelled)

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~~17.~~ (Original) The composition of claim 9, wherein the biodegradable amorphous polymer is a polyester.

~~18.~~ (Original) The composition of claim 9, wherein the biodegradable amorphous polymer is poly(D,L-lactide).

~~19.~~ (Original) The composition of claim 18, wherein the biodegradable crystallizable polymer is poly( $\epsilon$ -caprolactone) and the biocompatible solvent is ethyl benzoate.

Claims 20-33 (Cancelled)

~~34.~~ (Currently Amended) A method of administering a bioactive agent, comprising: inserting the composition of claim 1 into an organism,

wherein the composition comprises:

a biodegradable crystallizable polymer;

a biodegradable amorphous polymer;

a biocompatible solvent; and

a bioactive agent, and

~~wherein the inserting is by injecting.~~

Claims 36-37 (Cancelled)

~~38.~~ (Original) A method of making the composition of claim 1, comprising: combining ingredients;

wherein said ingredients comprise a biodegradable crystallizable polymer; a biocompatible solvent; and a bioactive agent.

Claims 39-47 (Cancelled)

~~48.~~ (Previously Added) The method of claim 34, wherein the solvent has a miscibility with water less than 7 percent by weight.

~~49.~~ (Previously Added) The method of claim 34, further comprising at least one biocompatible component solvent.

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50. (Previously Added) The method of claim 34, further comprising an emulsifying agent.

51. (Previously Added) The method of claim 34, wherein the composition is sterile.

52. (Previously Added) The method of claim 34, wherein the biodegradable crystallizable polymer is a polyester.

53. (Previously Added) The method of claim 34, wherein the biodegradable crystallizable polymer is poly ( $\epsilon$ -caprolactone).

54. (Previously Added) The method of claim 34, wherein the biocompatible solvent is ethyl benzoate.

55. (Previously Added) The method of claim 34, wherein the biodegradable amorphous polymer is a polyster.

56. (Previously Added) The method of claim 34, wherein the biodegradable amorphous polymer is poly (D,L-lactide).

57. (Previously Added) The method of claim 56, wherein the biodegradable crystallizable polymer is poly ( $\epsilon$ -caprolactone) and the biocompatible solvent is ethyl benzoate.

58. (Reinstated - formerly claim #20) The composition of claim 1, wherein the composition is multi-layered.

59. (Reinstated - formerly claim #35) The method of claim 34, wherein inserting is by injecting.